

REMARKS / ARGUMENTS

Claims 1-4 and 7-16 are pending in this application. Claims 5 and 6 have been withdrawn. Claims 1, 3, 7, 9, 11, 13, and 15 have been amended.

Applicant affirms the election made by Applicant's representative on April 26, 2005 to prosecute the invention of Group I, namely, claims 1-4 and 7-16. Non-elected claims 5-6 have been withdrawn and will be cancelled upon allowance of the elected claims. Applicant reserves the right to file a divisional application directed to the non-elected invention.

In the Office Action, the Examiner has objected to the disclosure for improper usage of trademarks. Applicant respectfully points out that the trademarks used in the application are followed by the proper trademark symbol and are accompanied by the corresponding generic terminology in an effort to respect the proprietary nature of the marks. Applicant notes that each letter of the mark should be capitalized or followed by a proper trademark symbol. MPEP §608.01, 8th Ed. (Rev. 2, 2004). In accordance with the Examiner's suggestions to further identify the trademarks, however, Applicant has amended the specification so that each letter of the marks used in the specification is also capitalized.

The Examiner has rejected claims 1-4 and 7-16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the term "superior soft tactile characteristic" which appears in the claims is not clear. The Examiner states that it is not clear which article the currently claimed coating is being compared to when claiming the superior results and it is not clear how the product is superior. The Examiner is reminded that Applicant is his own lexicographer and that claims must be read in light of the specification. Applicant respectfully points out that the term "superior soft tactile characteristic" is clearly defined in paragraph 20 of the specification. The term "superior soft tactile characteristic" refers to a pleasing soft tactile finish that is low gloss, non-tacky, non-slick and approaches the tactile sensation of microfiber polyolefin tactile. Nonetheless, the term "superior soft tactile characteristic" has been removed from the claims to obviate the Examiner's rejection. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection.

The Examiner has also rejected claims 1-4 of the present application under 35 U.S.C.

§103(a) as being unpatentable over U.S. Patent No. 5,986,000 issued to Williams et al, (herein, “Williams”), in view of U.S. Patent No. 6,432,542 issued to Tsai (herein, “Tsai”). Claims 1-4 and 7-16 have been rejected as being unpatentable over U.S. Patent No. 6,833,333 to Reisdorf et al (herein, “Reisdorf”) in view of Williams and Tsai.

Applicant respectfully submits that the Examiner’s reliance on Williams as a primary reference is misplaced. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP §2143.03, 8th Ed. (Rev. 2, 2004). Further, “[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.” MPEP §2143.01, 8th Ed. (Rev. 2, 2004).

Claims 1-4, as presently amended, are directed to a polyolefin woven fabric extrusion coating comprising from 30 to 50% by weight thermoplastic vulcanizate and from 30 to 50% by weight of polyolefin elastomer. The claims further specify that the thermoplastic vulcanizate must have a Shore A hardness grade of 30 to 80 and the polyolefin elastomer must have a melt index of less than or equal to 5.0. Applicant points out that the claimed concentrations of thermoplastic vulcanizate and polyolefin elastomer used in the coating are necessary for achieving the desired coating properties. As shown in Tables 1-5, when the concentration of thermoplastic vulcanizate and polyolefin elastomer fall within the claimed ranges, the resulting tactile quality is superior and the coating has good adhesion, flexibility, and processability for extrusion coating. When, on the other hand, the concentrations of thermoplastic vulcanizate and polyolefin elastomer fall outside the claimed ranges, the coating is either glossy or hard and has poor adhesion, low abrasion, and poor processability for extrusion coating. Applicant notes that Williams does not disclose the presently claimed amounts of 30 to 50% by weight of thermoplastic vulcanizate. Williams discloses a composition comprising a combination of a polyolefin and a rubber type composition which includes a thermoplastic elastomer and may also include other materials. Williams discloses that the thermoplastic elastomer could include thermoplastic vulcanizates, thermoplastic olefins, styrene block copolymers, thermoplastic urethanes, and combinations thereof. However, Williams identifies styrene-butadiene-styrene

block copolymers as the preferred thermoplastic elastomer. Thus, Applicant notes that Williams only provides disclosure as to the type and amount of styrene-butadiene-styrene block copolymers which may be used in the rubber type composition. Contrary to the Examiner's assertion, Williams does not disclose the amount of thermoplastic vulcanizate to be used in the event that thermoplastic vulcanizates are used in the rubber type composition. Williams simply discloses that a thermoplastic vulcanizate can be one of many materials included in the rubber type composition.

The Examiner suggests that by combining the teachings of Williams and Tsai, one would arrive at the presently claimed invention. Applicant notes, however, that there is no teaching or suggestion to combine Williams with Tsai. Furthermore, even if Williams and Tsai could be properly combined, one would not arrive at the presently claimed invention. Tsai teaches a multicomponent structure comprising at least one halopolymer layer and at least one adhesive layer comprising a base polymer. While Tsai discloses that the base polymer may comprise an elastomeric alloy such as a thermoplastic vulcanizate, Tsai does not teach a combination of a thermoplastic vulcanizate and a polyolefin elastomer nor the claimed amounts of thermoplastic vulcanizate and polyolefin elastomer. As such, Tsai fails to supplement the above-noted deficiencies in Williams. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection.

The Examiner further states that present claims 1-4 and 7-16 are unpatentable over Reisdorf in view of Williams and Tsai. Reisdorf discloses a laminate structure comprising a nonwoven substrate, a first polymer composition coating completely covering the nonwoven substrate, and a second polymer composition coating at least one side of the first polymer impregnated nonwoven substrate. However, as noted by the Examiner, Reisdorf does not disclose that the first and second polymer composition coatings comprise the presently claimed polyolefin woven fabric extrusion coatings. The Examiner suggests that by combining Reisdorf with the secondary references, Williams and Tsai, one would arrive at the present invention. Applicant respectfully points out, as noted above, that Williams does not teach the presently claimed coatings when viewed alone or in combination with Tsai. As such, Williams fails to supplement the deficiencies noted by the Examiner in Reisdorf. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection.

In view of the above information and remarks, Applicant respectfully requests reconsideration of the current rejections. Applicant submits that based on the foregoing, claims 1-4 and 7-16 in their present form are allowable over the cited prior art. Applicant further requests that a timely Notice of Allowance be issued in this case.

Appl. No. 10/727,122
Amdt. Dated September 30, 2005
Reply to Office Action of June 30, 2005

Express Mailing Label: EV 462292375 US

Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, Applicant respectfully requests an interview with the examiner and the examiner's supervisor prior to any new office action relating to the present Application. Attorney for the Applicant may be reached at the number listed below.

Respectfully Submitted,

By 

John K. Abokhair
Registration No. 30,537
Nahied K. Usman
Registration No. 47,148
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191
703-391-2900